


JAMES GRZESLO; CDCR No. AB-2085; B-1/09/12
VALLEY STATE PRISON
P.O. BOX 96
CHOWCHILLA, CALIFORNIA 93610-0096
PRO SE LITIGANT IN FORMA PAUPERIS

FILED

MAY 11 2022


CLERK U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY  DEPUTY CLERK

III

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION

RECEIVED

MAY 11 2022

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY  DEPUTY CLERK

JAMES GRZESLO,
PLAINTIFF,

V.

B. SLAZO, CORRECTIONAL
OFFICER - VALLEY STATE PRISON,
DEFENDANT.

CASE No.: 1:21-CV-01371-JLT-EPG (PG)

PLAINTIFF'S THIRD
AMENDED COMPLAINT.

REF: 42 U.S.C. § 1983 CIVIL RIGHTS
ACTION; FIRST AND FOURTEENTH
AMENDMENTS; CIVIL RIGHTS ACT.

JURISDICTION

PURSUANT TO 28 U.S.C. §§ 1331 AND 1343 OF THIS 42 U.S.C.
§ 1983 CIVIL RIGHTS COMPLAINT, THIS FEDERAL COURT IS
THE COURT OF COMPETENT JURISDICTION. (DOC. 26 REF.).

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INTRODUCTION

1. FOR GOOD CAUSE, THIS PLAINTIFF TIMELY FILES HIS 42 U.S. § 1983 CIVIL ACTION COMPLAINT AGAINST PRISON GUARD B. SUARO FOR HIS WANTON DISREGARD TO AND VIOLATION OF PLAINTIFF'S FEDERAL CONSTITUTIONAL RIGHTS BY INTERFERING AND DAMAGING PLAINTIFF'S PERSONAL RELIGIOUS HEAREN PRAYERS AND HIS SACRED RELIGIOUS GARMENT.

2. THE FEDERAL CONSTITUTION "CREATES THE RIGHT OF ACTION AGAINST A PERSON WHO, UNDER THE COLOR OF STATE LAW, SUBJECTS ANOTHER TO CRUELTY AND DEPRIVATION OF ANY RIGHT SECURED BY THE UNITED STATES CONSTITUTION." (PAUL V. DAVIS, 424 U.S. 693, 96 S. CT. 1155, 47 L. ED. 2D 405, 1976 U.S. LEXIS 112).

3. THIS PLAINTIFF, FOR FURTHER GOOD CAUSE, TIMELY FILES HIS ACTIONABLE COMPLAINT OF FACTUAL ALLEGATIONS REQUIRED FOR EVIDENTIARY SUPPORT "IN ACCORDANCE WITH FED. R. CIV. P. 11(b)(3); AS WELL AS FED. R. CIV. P. 26(a)(1).

4. DEFENDANT B. SUARO HAS CONCURRED IN ACTION PREVIOUSLY FILED BY THE PLAINTIFF PERTAINING TO THE FIRST, EIGHTH AND FOURTEENTH AMENDMENTS- INTENTIONAL, MALICIOUS VIOLATIONS OF CONSTITUTIONAL MAGNITUDE. NOW, PLAINTIFF SEEKS THE COURT'S AUTHORITY FOR SUARO'S PUNISHABLE CRIME AND PLAINTIFF'S RELIEF.

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COMPLAINT

FOR GOOD CAUSE, PLAINTIFF HAS DULY EXHAUSTED ALL HIS ADMINISTRATIVE REMEDIES PURSUANT TO THE PRISON LITIGATION REFORM ACT OF 1996 (42 U.S.C. § 1997e); AND AS MANDATED UNDER JONES V. BOCK, 549 U.S. 199, 211, 127 S. Ct. 910, 918-919 (2007). THEREFORE, THIS FILING IS TIMELY, ACTIONABLE FOR THE PREMEDITATED, WANTON, ANTI-SEMITIC BEHAVIOR FROM A PRISON CUSTODY OFFICER WHO HAS TAKEN A SWORN OATH TO UPHOLD THE LAW AND THE CONSTITUTIONS OF THE UNITED STATES AND THE STATE OF CALIFORNIA.

CLAIM I:

THAT CORRECTIONAL OFFICER B. SUAREZ, AID, WHILE WORKING BUILDING ONE ON BRAVO YARD AT VALLEY STATE PRISON LOCATED IN CHICOHUILLO, CALIFORNIA. INSPECT THE LOCKED POD OF 6-MAN ROOM 09 ON SATURDAY EVENING SEPTEMBER 25, 2021.

1. PLAINTIFF EXAMINED HIS OPENED WALL LOCKER TO NOTICE HIS SMALL BLACK RELIGIOUS BAG HAD BEEN OPENED AND A HEBREW RELIGIOUS AND SACRED PRAYER ITEM HAD BEEN REMOVED. (SEE EXHIBIT "A").

2. THE TWO SACRED HEBREW (JEWISH) RELIGIOUS PRODUCTS NOW MISSING ARE PICTURED ON THE FAR RIGHT OF EXHIBIT "A".



3. PROPERLY CALLED "TEFILLIN" (HABREW WORD FOR 'PRAYER'), EACH BOX CONTAINS THE MOST SACRED OF ALL JEWISH PRAYERS - THE SHEMA (PRONOUNCED SHĖ-MĖ). THE SACRED SHEMA PRAYER AND TEFILLIN DATES BACK 3600 YEARS AGO TO ABRHAM. AS WITH ALL JEWISH MALES, PLAINTIFF'S TWIN TEFILLIN CASES HAVE HAD A HABREW SCRIBE WRITE THE ENTIRE SHEMA FOR EACH BOX, WRITTEN ON PARCHMENT AND SEALED WITH LAMB'S SKIN IN ISRAEL - THUS MAKING THEM "KOSHER" (PURE) - NOT MEANING, "BLESSED BY A RABBI."

4. PLAINTIFF IS AN ORTHODOX JEW AND THE SON OF TWO HOLOCAUST SURVIVORS, FROM A PLACE CALLED NUSCOWITZ, POLAND (FATHER) - WARSAW GHETTO, POLAND (MOTHER). THE TEFILLIN ARE FROM MY LATE FATHER. AS OF THE TEFILLIN / PRAYERS TAKEN FOR PREMEDITATED ANTI-SEMITIC HATE CRIME BY SUAZO - THEY ARE RUINED.

5. SUAZO HAS OPENLY ADMITTED HE KNEW PLAINTIFF WAS "A JEW". HE LATER ORDERED A PRISONER FROM THE SAME POD TO VENTURE IN TO A RAINFILLED NIGHT TO SEARCH NUMEROUS DUMPSTERS FILLED WITH GARBAGE AND REFUSE FOR PLAINTIFF'S SACRED RELIGIOUS PROPERTY. MORE THAN A HOUR LATER, SOAKING WET, THE PRISONER RETURNS TO POD 09 WITH THE DESTROYED, SOPPING WET SACRED INSTRUMENTS OF THE JEWISH FAITH.

CLAIM II

CORRECTIONAL OFFICER B. SUAZO COMMITTED AN INTENTIONAL, PREMEDITATED HATE CRIME AND ANTI-SEMITISM AS "DESTROYING"



1 PLAINTIFF'S SACRED RELIGIOUS PROPERTY, PURSUANT TO 42 U.S.C.
2 §§ 1981 AND 2000d.

3
4 1. We AGAIN MUST CONCUR IN FOULK V. CHARRIER, 262 F.3d 687, 698
5 (8th CIR. 2001), "THAT INMATE EXHAUSTED HIS AVAILABLE
6 ADMINISTRATIVE REMEDIES WHERE HIS TESTIMONY ESTABLISHES
7 THAT PRISON OFFICIALS FAILED TO RESPOND TO HIS INFORMAL
8 RESOLUTION REQUESTS..."

9
10 2. LIKEWISE, WHEN JONES V. BLOCK (Id.) IS CAREFULLY EXAMINED
11 (AT 919-922; SPECIFICALLY AT 921), "...INMATES ARE NOT REQUIRED
12 TO SPECIFICALLY PLEAD OR DEMONSTRATE EXHAUSTION IN THEIR
13 COMPLAINTS."

14
15 3. OFFICIALS INVOLVED IN THIS §1983, SPECIFICALLY SUED, IGNORED
16 ACTS OF ANTI-SEMITIC HATE CRIMES WITH, "ACTS OF DELIBERATE
17 INDIFFERENCE EXISTS WHEN AUTHORITY KNOWS THAT INMATES
18 FACE A SUBSTANTIAL RISK OF SERIOUS HARM AND DISREGARDS
19 THAT RISK BY FAILING TO TAKE REASONABLE MEASURES TO ABATE
20 IT." (SCOTUS MANDATE IN FARMER V. BRENNAN, 511 U.S. 825,
21 114 S. CT. 1970 (1994)). FURTHER OPINED BY SCOTUS, "THE PLAINT-
22 IFF IS NOT REQUIRED TO PRODUCE A 'SMOKING GUN' OF DELIBERATE
23 INDIFFERENCE." (FARMER, Id.).

24
25 4. THE FIRST AMENDMENT GUARANTEES EVEN THE PRISONER RIGHT OF
26 RELIGIOUS BELIEF WITHOUT HARMING INSTITUTIONS SECURITY. SUED
27 DEPRIVED PLAINTIFF OF HIS BASIC, FUNDAMENTAL CONSTITUTIONAL



RIGHTS AND THEREFORE VIOLATED AND ABRIDGED HIS EIGHTH
 AMENDMENT PROTECTION AGAINST CRUEL AND UNUSUAL PUNISHMENT.
 IN BARRETT V. CITY OF ALLENTOWN, 152 F.R.D. 30, 1993 U.S.
 DIST. LEXIS 19591 (E.D. PA. 1993) HELD, AN EIGHTH AMENDMENT
 VIOLATION INCLUDES MUCH MORE THAN SIMPLY HOUSING OF PRISONERS.
 "PLAINTIFF MUST ALLEGE THAT THE AGENT(S) OF THE STATE
 COMMITTED NET AS PUNISHMENT SHOCKING THE CONSCIOUS,"
 (ALSO SEE 42 U.S.C. § 12112). PLAINTIFF HAS DEMONSTRATED THE
 "SHOCKING" ACTS OF ANTI-SEMITISM, NOTE CRIME OF DEFEND-
 ANT B. SLIMZ. (SEE CALDWELL V. MILLER, 790 F.2d 589, 1986).

5. IN GITTLEMACHER V. PRASSE, 428 F.2d 1 (3RD CIR. 1970) DEALT
 WITH THE RELIGIOUS RIGHTS OF PRISONERS. AS IN LONG V. PARKER,
 390 F.2d 816, 822 (3RD CIR. 1968), THE COURT EMPHASIZED, "TO
 JUSTIFY THE PROHIBITION OF RELIGIOUS LITERATURE, THE
 PRISON OFFICIALS MUST PROVE THAT THE RELIGIOUS WRITING
 CREATES A CLEAR AND PRESENT DANGER OF A BREACH OF PRISON
 SECURITY OR DISCIPLINE OR SOME OTHER SUBSTANTIAL INTER-
 FERENCE WITH THE ORDERLY FUNCTIONING OF THE INSTITUTION."
 SLIMZ COULD NOT AND DID NOT SUBSTANTIATE OR DEMONSTRATE
 THAT HIS ANTI-SEMITIC OR WHAT HIS ARROGANT DID PROVES
 ONE POINT IN FAVOR OF HIS UNCONSTITUTIONAL BEHAVIORS.

6. THIS MISCONDUCT FURTHER VIOLATES TITLE VI AND VII
 OF THE CIVIL RIGHTS ACT OF 1964 AS DETERMINED BY
 THE COURT.

///



RELIEF

SINCE AN EQUAL PROTECTION CLAIM IS ACTIONABLE UNDER §1983;
CUSTODY OFFICER, B. SUAREZ ADMITTED VERBALLY AND BY HIS REPERT-
ED ACTIONS TO IGNORE, ABRIDGE AND VIOLATE PLAINTIFF'S FIRST,
EIGHTH, FOURTEENTH AMENDMENT / CIVIL RIGHTS, HE IS GUILTY.

1. THEREFORE, PURSUANT TO THE 14TH AMENDMENT, §1-
"ALL PERSONS BORN OR NATURALIZED IN THE UNITED STATES, AND
SUBJECT TO THE JURISDICTION THEREOF, ARE CITIZENS OF THE U.S.
WHEREIN THEY RESIDE. NO STATE SHALL MAKE OR ENFORCE ANY
LAW WHICH SHALL ABRIDGE THE PRIVILEGES OR IMMUNITIES OF
CITIZENS OF THE U.S.; NOR SHALL ANY STATE DEPRIVE ANY
PERSON OF LIFE OR PROPERTY WITHOUT DUE PROCESS OF LAW; NOR
DENY TO ANY PERSON WITHIN ITS JURISDICTION THE EQUAL
PROTECTION OF THE LAW." SUAREZ DENIED PLAINTIFF OF ALL.

2. TERMINATION OF STATE EMPLOYMENT; GARNISH OF UP TO 40%
PAYROLL INCOME, ASSETS, REAL / PERSONAL PROPERTIES, BANK
ACCOUNTS, RETIREMENT ACCOUNTS, FUTURE EARNINGS FOR
PAYMENT OF \$50,000.00 - TOTAL SUM TO BE PAID IN FULL
OVER 3 YEARS IN NET PAYMENTS, WITHOUT INTEREST.

3. TRIAL BY JURY AT DISCRETION OF THE HONORABLE COURT.

4. SETTLEMENT HEARING; EVIDENTIARY HEARING WARRANTED
AS SCHEDULED BY THE COURT.



CONCLUSION

PLAINTIFF GRZESLO PRAYERFULLY MOVES THIS HONORABLE
COURT TO FIND HIS SECTION 1983 COMPLAINT AS ACTIONABLE
SO AS TO PROCEED.

RESPECTFULLY,

JAMES GRZESLO, PLAINTIFF

EXECUTED: MAY 09, 2022

DECLARATION

I, JAMES GRZESLO, AM THE PLAINTIFF AND A PARTY TO THIS
FEDERAL DISTRICT COURT ACTION AGAINST THE NAMED DEFENDANTS.
PURSUANT TO THE PENALTIES FOR PERJURY, THE DOCUMENTS
AND WRITING CONTAINED HEREIN IS TRUE AND CORRECT.

I AM,

JAMES GRZESLO, PLAINTIFF

EXECUTED: MAY 09, 2022

COI-LGAL FILE
ATTY GEN.



EXHIBIT A

Description of this Exhibit DESCRIPTIVE PHOTOGRAPHS
OF HEBREW MOST SACRED PRAYER
AND TEFILLIN (PHYLACTERIES)
WEAR. PRAYER = "SHEMA".
ITEMS THROWN AWAY BY C.O. SUAZO.

Number of Pages 1

הריני Hareini, mikabel al mitzvot asel shel ahavti
le'et'acha kamecha.

שמע Shema Yisrael Ado-nai E-loheinu Ado-nai echad.

ברוך Baruch shem kevod malchuto Polam va ed.

ואחבה V'ahava et Ado-nai E-lohecha; bechal levavcha,
uvechal nafshecha, uvechal me'odecha. Vehayu
hadevarim ha'eileh, asher Anochi metzavcha hayom; al
levavecha. Veshinantam le'anecha vedibarta bam,
beshivtecha, beveitecha, uvelech techa, vaderech,
uveshach becha, uvekumecha. Ukeshartam le'ot al
yadecha, vehayu letorot bein einecha. Uchetavtam al
mezuzot beitecha, uvishe arecha.

והיה Vehaya im sham'o tishme u el mitzvotai, asher Anochi
metzaveh et chem, hayom, le'ahavat et Ado-nai E-lo-
heichem ule'aydo bechal levavchem uvechal nafshechem,
Venatit metar artzechem be'ito, voreh umalkoshi, ve'asafa
deganecha, vetirosh'cha veyitz harecha. Venatati eisev
besadcha livhemtecha ve'achala vesavata. Hishamru lachem
pen yitfeh levavchem, vesartem va'avadetem elohim
acheirim, vehishtachavitem lahem. Vecharab af Ado-nai
bachem, ve'atzar et hashamayim, velo yitnyen matar
vehadamah lo titein et yevulah, va'avadetem melch'rah me al
ha aretz hatovah asher Ado-nai notein lachem. Vesantem et
devarai elleh al levavechem ve'al nafshechem, ukeshartam
le'ot, al yed chem vehayu, letorot bein eineichem.
Velimadetem otam et beneichem ledaber bam, beshivtecha
beveitecha, uvelech techa, vaderech, uveshach becha
uvekumecha. Uchetavtam al mezuzot beitecha uvishe arecha.
Lema'an yirbu yemeichem veyemei veneichem al ha adamah
asher nishba Ado-nai la'avotechem lateit lahem, kiyemel
hashamayim al ha aretz.

ויאמר Vayomer Ado-nai el Moshe leimor, Daber el benei
Yisrael, ve'amarta aleihem, ve'asu lahem tzitzit, al kafeit
vigdeihem le'dorotam, venatnu al tzitzit hakana'af petil
techeilet. Vehaya lachem le'zitzit, lre'item oto, uzechartem
et kol mitzvot Ado-nai ve'asitem otam. Velo taturu acharei
levavechem, ve'acharei eineichem, asher atem, zonim
achareihem. Lema'an tizkeru, ve'asitem et kol mitzvotai,
viltvitem kadoshim le'E-loheichem. Ani Ado-nai E-
lohechem, asher hotziti et chem me'ere' mitzrayim lhiyot
lachem le'E-lohim, Ani Ado-nai E-loheichem. Emet.

ואח Ach tzadikim yodu lishmecha yeshvu vesharim et panecha.

(A)

PHOTO-COPY OF HEBREW TRANSLITERATION
OF NOLEST PRAYER "SHEMA" RECITED
5 TIMES EVERY DAY FOR ORTHODOX JEWS,
3 TIMES EVERY DAY FOR OBSERVANT JEWS.

It is a mitzva to say the Shema out loud and mention the
exodus of Egypt (the last few lines of the 3rd paragraph)
morning and evening daily.

הריני מקבל על מצות עשר אשר אוהבתי לך קמך

שמע ישראל, יהי אלהינו, יהי אחד.

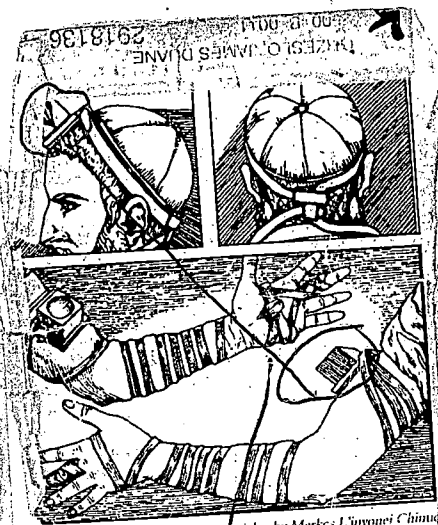
ברוך שם כבוד מלכותו לעולם ועד.

ואחבה את יהוה אלהי, בכל לבבי, ובכל נפשי, ובכל
מאד. והיו הדברים האלה אשר אנכי מצוה
היום, על לבבי, ושנתי, לנוד ודברת, במשכתי
בביתי, ובלכתי בדרך, ובשכבתי, ובקומי, וקשרתי
לאוזני על ידך, והיו למסמך בין עיניך, וכתבתם על
מזוזת ביתך, ובשעריך.

והיה אם שמעו תשמעו אל מצותי אשר אנכי מצוה
אתכם היום, לאהבה את יהוה אלהיכם ולעבדו
בכל לבבכם ובכל נפשכם, ונתת ליסר ארצכם בעת
זרה, וקולקש, ואספת רגלי ותושק וזחך, ונתת
עשב בשדך לרממה, ואכלת ושבעת, השמרו לכם
פן יפתה לבבכם, וסרתם ועברתם אלהים אחרים
ותשתחוות להם, וזרה את לבבכם ועצרת את
השמים ולא יהיה מטר והארמה לא חתן את כולה,
ואכרתם. מיתה מעל הארץ הפכה אשר ינתן לכם
ושמרתם את דברי אלה על לבבכם ועל נפשכם,
וקשרתם אותם לאוזני על ידכם והיו למסמך בין
עיניכם ולפניהם. את בניכם לדבר במשכתי
בביתי ובלכתי בדרך, ובשכבתי ובקומי,
וכתבתם על מזוזת ביתך ובשעריך, למסך רגלי מוכס
וימי בניכם על הארמה אשר נשבע יהוה לאבותיכם לתת
לכם, כי ימים השמים על הארץ.

ויאמר אל משה ואמר, דבר אל בני ישראל ואמרת
אלהם, עשו להם ציצת על כנפי כנרתם
לזרעם, ונתנו על ציצת הכנף פתיל תכלת, והיה לכם
לציצת וזאת, אתו וזכרתם את כל מצותי
ועשיתם אותם, ולא תתורו אחרי לבבכם ואחרי עיניכם
אשר אתם ונים אחרתם, למען חזקו ועשיתם את
כל מצותי והייתם קדשים לאלהיכם. אני יהוה אלהיכם
אשר הוצאתי אתכם מארץ מצרים להיות לכם
לאלהים, אני יהוה אלהיכם אמר.

אך צדיקים יודו לשמך וישבו וישמרו את פניהם.



KOSHER "SHEMA" SCROLL IN
BACK TEFILLIN CONTAINER,
HANDWRITTEN BY SCRIBES IN
ISRAEL.

(C)

PHOTO/DRAWING OF
"TEFILLIN" WORD
DURING MORNING PRAYERS
DAILY.

PHOTO-COPY OF HEBREW (JEWISH) NOLEST
PRAYER IN ACTUAL HEBREW -
THE "SHEMA" (PRONOUNCED SHE - mǎ)

PLAINTIFFS EXHIBIT "A" FOR THIRD

AMENDED FEDERAL COMPLAINT, 5/2022
CMS No. 1:21-cv-01371-JLT-EPG.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JAMES GRZESLO,
PLAINTIFF,

v.

Case Number: 1:21-cv-01371-JLT-EPG (PC)

vs. SUIAZO, C.O. VALLEY STATE PRISON,

PROOF OF SERVICE

DEFENDANT.

I hereby certify that on MAY 9TH, 2022, I served a copy
of the attached "PLAINTIFF'S THIRD AMENDED COMPLAINT"

by placing a copy in a postage paid envelope addressed to the person(s) hereinafter
listed, by depositing said envelope in the United States Mail at

VALLEY STATE PRISON, CARMICHAEL, CA 93610-0096.

(List Name and Address of Each
Defendant or Attorney Served)

THE HONORABLE CLERK OF COURT
U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION
2500 TULARE STREET, SUITE 1501
FRESNO, CALIFORNIA 93721

OFFICE OF THE ATTORNEY GENERAL
2550 MARIPOSA MALL
SUITE 5090
FRESNO, CALIFORNIA 93721-2771

I declare under penalty of perjury that the foregoing is true and correct.

5-09-2022

(Signature of Person Completing Service)